

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division**

THOMAS D. DOMONOSKE, individually and
on behalf of all those similarly situated,

Plaintiff,

v.

BANK OF AMERICA, N.A., a national
banking association,

Defendant.

Civil Action No. 5:08-cv-00066

STIPULATION AND REQUEST TO STAY ACTION PENDING MEDIATION

Pursuant to Judge Samuel Wilson's Order of November 25, 2008, referring nondispositive pretrial motions and issues to Magistrate Judge Michael F. Urbanski, plaintiff Thomas D. Domonoske and defendant Bank of America, N.A. ("Bank of America") (collectively, "the parties") respectfully submit the following Stipulation:

Whereas, the parties have now conducted discovery which has informed their positions and both believe that the time is appropriate to explore a possible resolution of this action;

Whereas, the parties believe, given the nature of this action, that the assistance of a mediator with significant experience in resolving consumer class actions will be instrumental, and have agreed to submit this case to a mediation before the Honorable Edward A. Infante (Ret.), a mediator for JAMS with a proven track record of resolving similar actions;

Whereas, April 29, 2009, is the first date available to the parties and Judge Infante to conduct the mediation in this matter, and they have agreed to proceed on that date; and

Whereas, absent their agreement to submit this matter to formal mediation and to stay the litigation in the interim, the parties otherwise would be required to devote their full attention to

pending discovery motions, other discovery issues, and the preparation of class certification motions.

NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties, through their respective counsel of record:

1. Pending the outcome of the mediation, the parties hereby request that the Court issue an order staying this action for all purposes, including all pending and scheduled motion practice, discovery, trial-setting, and other matters subject to the Court's initial case management orders;
2. The parties will work in good faith to resolve this action through mediation before Judge Infante on April 29, 2009; and
3. Following the mediation, the parties shall report to the Court by May 6, 2009, about the progress of their efforts to resolve this action and any issues relating to the ongoing stay of this action and related case management issues.

IT IS SO STIPULATED.

Dated: March 20, 2009

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Dated: March 20, 2009

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Certificate of Service

I hereby certify that on March 20, 2009, I served the foregoing with the Clerk of the court using the CM/ECF system which will send notification of such filing to the following:

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